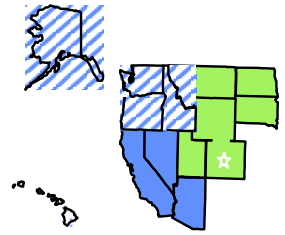




US Army Environmental Center
Western Regional Environmental Office
REGION 8 – NOVEMBER 2003
WESTERN REGION REVIEW



The WESTERN REGION REVIEW provides current information on significant regulatory & legislative developments, as well as related information affecting DOD activities & operations in the Federal Region 8 area: Colorado, Montana, North Dakota, South Dakota, Utah, & Wyoming. We appreciate your feedback. Please contact WREO, U.S. Custom House, 721 19th St., Room 427, Denver, CO 80202-2500; Phone: (303) 844- 0954, or fax: (303) 844-0951.

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FEDERAL AGENCY NEWS & REGULATORY DEVELOPMENTS



ENVIRONMENTAL PROTECTION AGENCY (EPA) INFORMATION

AIR INFORMATION:

FINAL RULE – PSD AND NSR EXCLUSION REVISIONS – On 27 October 2003 (68 FR 61247), EPA finalized revisions to the regulations governing the New Source Review (NSR) programs mandated by parts C and D of title I of the Clean Air Act. The revisions incorporate comments from the proposed rule for “Prevention of Significant Deterioration (PSD) and Non-attainment New Source Review (NSR): Routine Maintenance, Repair and Replacement.” These changes provide a category of equipment replacement activities that is not subject to Major NSR requirements under the routine maintenance, repair and replacement exclusion. The rule will be effective 26 December 2003. For further information, contact Dave Svendsgaard, EPA at (919) 541-2380, or e-mail: svendsgaard.dave@epa.gov

FINAL RULE – REQUIREMENTS FOR SOLID WASTE INCINERATORS CONSTRUCTED BEFORE 30 NOVEMBER 1999 – On 3 October 2003 (68 FR 57517), EPA promulgated a Federal plan to implement emission guidelines for existing commercial and industrial solid waste incineration (CISWI) units located in states without effective state plans required by Sections 111 and 129 of the Clean Air Act. This Federal plan is an interim action because on the effective date of an approved state plan, the Federal plan will no longer apply to CISWI units covered by the state plan. This rule was effective 3 November 2003. For further information, contact David Painter, EPA at (919) 541-5515, or e-mail: painter.david@epa.gov.

FINAL RULE – NESHAP FOR SITE REMEDIATION – On 8 October 2003 (68 FR 58171), EPA promulgated national emission standards for hazardous air pollutants (NESHAP) from site remediation. The rule applies to certain types of site remediation activities that are conducted at a facility where non-remediation sources are a major source of HAP emissions. Site remediation already regulated under CERCLA or RCRA is not subject to the rule. Site remediation subject to the rule is required to control emissions of organic HAP by meeting emissions limitations and work practice standards reflecting the application of maximum achievable control technology. The NESHAP was effective 8 October 2003. For further information, contact Greg Nizich, EPA at (919) 541-3078, or e-mail: nizich.greg@epa.gov.

FINAL RULE – STANDARDS OF PERFORMANCE FOR ORGANIC LIQUID STORAGE VESSELS – On 15 October 2003 (68 FR 59328), EPA amended the regulations addressing volatile organic liquid storage vessels (including petroleum liquid storage) for which construction, reconstruction, or modification commenced after 23 July 1984, to exempt certain storage vessels by capacity and vapor pressure, exempt process tanks, and add a definition for process tanks. Changes include reduction in the regulated storage tank size from 40,000 gallons to 19815 gallons, and exclusion of tanks storing materials of low volatility. Underground tanks (above the size threshold) are covered by this regulation unless the total volume of petroleum liquids added to and taken from the tank annually does not exceed twice the volume of the tank. The amendments were effective 15 October 2003. For further information, contact Mark Morris, EPA at (919) 541-5416, or e-mail: morris.mark@epa.gov.

PROPOSED RULE – CONTROL OF AIR POLLUTION FROM AIRCRAFT AND AIRCRAFT ENGINES –

On 30 September 2003 (68 FR 56226), EPA proposed to amend existing regulations governing the exhaust emissions from new commercial aircraft gas turbine engines. EPA proposed new emission standards for oxides of nitrogen (NO_x) for newly certified commercial aircraft gas turbine engines with rated thrust greater than 26.7 kilonewtons. This action proposes to adopt standards equivalent to the latest (effective in 2004) NO_x standards of the United Nations International Civil Aviation Organization (ICAO) and bring the United States emission standards into alignment with the internationally adopted standards. In addition, EPA also proposed to amend the test procedures for gaseous exhaust emissions to correspond to recent amendments to the ICAO test procedures for these emissions. Comments are due by 15 December 2003. For further information, contact Bryan Manning, EPA at (734) 214-4832, or e-mail: manning.bryan@epa.gov.

PROPOSED RULE – TRANSPORTATION CONFORMITY AMENDMENTS FOR OZONE AND PM_{2.5} –

On 5 November 2003 (68 FR 62689), EPA proposed to amend the transportation conformity rule to include criteria and procedures for the new 8-hour ozone and fine particulate matter (PM_{2.5}) national ambient air quality standards. Transportation conformity is required under Clean Air Act section 176(c) to ensure that federally supported highway and transit project activities are consistent with State Implementation Plans. The proposal provides guidance for when conformity will first apply in areas that are designated nonattainment for the 8-hour ozone and PM_{2.5} standards. Comments must be received by 22 December 2003. For further information, contact Meg Patulski, EPA at (734) 214-4842, or e-mail: patulski.meg@epa.gov.

PROPOSED RULE – UPDATE OF CONTINUOUS INSTRUMENTAL TEST METHODS – On 10 October 2003 (68 FR 58837), EPA proposed to amend five instrumental test methods that are used to measure air pollutant emissions from stationary sources. The intended effect of this rule is to harmonize, simplify, and update the test methods. The methods were originally developed for specific industry applications, but have since been adapted to general testing applications. These revisions would remove inconsistencies in equipment and performance specifications so each method would be similar in these respects and have expanded applicability. EPA also proposed to add helpful calculation procedures, quality assurance recommendations, and provisions for sampling at low concentrations. Comments are due by 9 December 2003. For further information, contact Foston Curtis, EPA at (919) 541-1063, or e-mail: curtis.foston@epa.gov.

WASTE INFORMATION:

PROPOSED RULE – REVISIONS TO DEFINITION OF SOLID WASTE – On 28 October 2003 (68 FR 61557), EPA proposed revisions to the definition of solid waste that identify certain recyclable hazardous secondary materials as not discarded, and thus not subject to regulation as wastes under Subtitle C of the Resource Conservation and Recovery Act (RCRA). The proposed rule would also establish specific regulatory criteria for determining whether or not hazardous secondary materials are recycled legitimately. Comments are due by 26 January 2004. For further information, contact Dave Fagan, EPA at (703) 308-0603, or e-mail: fagan.david@epa.gov.

NOTICE OF AVAILABILITY – GUIDANCE FOR FACILITIES SUBJECT TO SUBTITLE C OF RCRA –

On 6 October 2003 (68 FR 57691), EPA announced the availability of the final "Results-Based Approaches and Tailored Oversight Guidance for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act." This guidance is designed to provide EPA Regions, states, the regulated community, members of the public, and other stakeholders with a better understanding of EPA's general results-based strategy for RCRA Corrective Action. This document provides guidance on how EPA generally intends to exercise its discretion in implementing its statutory authorities and regulations. For further information, contact Karen Tomimatsu, EPA at (703) 605-0698, or link: <http://www.epa.gov/correctiveaction>.



GENERAL INFORMATION

PROPOSED RULE – DOD MUNITIONS RESPONSE SITE PRIORITIZATION PROTOCOL – On 22 August 2003 (68 FR 50899), DoD proposed a rule that establishes the Munitions Response Site Prioritization Protocol. The purpose of the Protocol is to assign a relative priority for munitions responses to each location in the inventory of munitions response sites known or suspected of containing unexploded ordnance, discarded military munitions, or munitions constituents. The Protocol evaluates the following potential explosive safety and environmental hazards: 1) explosive hazards posed by unexploded ordnance and discarded military munitions; 2) hazards associated with the effects of chemical warfare materiel; and 3) chronic health and environmental hazards posed by munitions constituents or other chemical constituents. The Protocol has three hazard evaluation modules, each of which is specific to one type of hazard. Comments are due by 20 November 2003. For further information, contact the Office of the Deputy Under Secretary of Defense at (703) 695-6107.

GAO REPORT – DOD STOCKPILE DESTRUCTION PROGRAM - GAO has published testimony to a subcommittee of the House Armed Services Committee reviewing the management of DoD's chemical stockpile destruction program. GAO credits the program with improving emergency preparedness in communities near the sites. Generally however, GAO criticizes the program's management structure as too complex with unclear lines of authority, and indicates that the chemical demilitarization effort will not meet scheduled milestones. For further information, contact Henry Hinton, GAO at (202) 512-4300, or link: <http://www.gao.gov/new.items/d04221t.pdf>.

GAO REPORT – INTERAGENCY MANAGEMENT FOR ENDANGERED SPECIES AFFECTING TRAINING RANGES - GAO has released a report addressing a need for increased interagency coordination in regional management of endangered species affecting military training ranges. GAO indicates that federal agencies have made little progress in implementing various agreements for cooperative management in this area and notes that "federal agencies cannot easily share information - such as best practices and land management plans - because there is no centralized source for this information." GAO recommended that the Secretaries of Defense, the Interior, and Agriculture implement an interagency strategy, a comprehensive training program, and a centralized data source for cooperative management efforts. DoD generally concurred with GAO and recommended modeling the coordination effort after the existing Interagency Military Land Use Coordination Committee. For further information, contact Barry Holman, Gao at (202) 512-8412, or link: <http://www.gao.gov/new.items/d03976.pdf>

NOTICE – OSHA EXPOSURE LIMITS FOR CHEMICAL WARFARE AGENTS – On 17 September 2003 (68 FR 54460), the Centers for Disease Control (CDC) finalized their recommended airborne exposure limits for the chemical warfare nerve agents GA (tabun), GB (sarin), and VX to protect workers and the public during destruction of chemical agent stockpiles. CDC has proposed values for: 1) WPL (worker population limit), expressed as an 8-hour time-weighted average; 2) GPL (general population limit), based on continuous exposure; 3) STEL (short term excursion limit), for worker exposure not longer than 15 minutes; and 4) IDLH (immediately dangerous to life or health). Airborne exposure limits for these agents were re- evaluated by using a conventional risk assessment methodology for developing airborne exposure limits described by EPA. This methodology is considered conservative; however, the calculated exposure limits are not numerically precise and do not define precise thresholds of potential human toxicity. CDC's recommended WPL and GPL values are lower by as much as ten-fold from previous values recommended in 1988. An effective date of 1 January 2005 has been set to allow DoD to make program adjustments and changes to environmental permits. For further information, contact Dr. Paul Joe, CDC, 4770 Buford Highway, M/S F-16, Atlanta, GA 30341.

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UPCOMING CONFERENCES, SYMPOSIUMS AND TRAINING ANNOUNCEMENTS

EMERGENCY PREPAREDNESS AND PREVENTION CONFERENCE

16-19 November 2003 – Norfolk, Virginia

The theme of this EPA conference is "Stay the Course," and will emphasize the importance of continued diligence and focus on emergency planning and preparedness efforts. The conference will include workshops, general sessions, networking opportunities, and an exhibit hall. For more information or to register, link: <http://www.2003conference.org>.

NREP/INSTEP ANNUAL TECHNICAL CONFERENCE

17-21 November 2003 – Orlando, Florida

The National Registry of Environmental Professionals and the International Society of Technical and Environmental Professionals are co-sponsoring this conference. The agenda includes certification preparatory workshops, technical papers, and special seminars for updating professional skills. For more information or to register, link: <http://www.nrep.org/conference/conference2.html>.

McCOY RCRA SEMINAR

17-21 November 2003 – Las Vegas, Nevada

9-13 February 2004 – Phoenix, Arizona

21-25 June – Portland, Oregon

McCoy and Associates is offering this RCRA training with five sessions at each seminar: 1) RCRA Fundamentals; 2) Critical Generator Issues; 3) Advanced RCRA Topics I; 4) Advanced RCRA Topics II and Land Disposal Restrictions I; and 5) Land Disposal Restrictions II and RCRA Rules Under Development. The seminar is designed for hazardous waste generators, environmental managers, compliance specialists, environmental consultants, and environmental attorneys. For more information or to register, call (303) 526-2674, or link: <http://www.mccoyseminars.com>.

EMERGENCY SERVICES SYMPOSIUM

17-21 November 2003 – Colorado Springs, Colorado

The Air Force Space Command is offering this symposium to federal and DoD managers with an assigned mission in emergency services, regional, state and local emergency management leaders, industry executives with products that support emergency services, and trainers in emergency services. The symposium will feature workshops, exhibits, and formal training sessions from DoD, Air Force, and federal agencies responsible for emergency services. For more information or to register, link: http://www.cheyennemeetings.com/AFSPC_Emergency_Services_Symposium.

LABS21 HIGH PERFORMANCE, LOW-ENERGY DESIGN COURSE

19 November 2003 – San Diego, California

20 November 2003 – Los Angeles, California

EPA and the US Department of Energy, Federal Energy Management Program, are presenting this course, which will be taught by experienced lab designers, energy managers, and facilities professionals. They will introduce new strategies to improve the energy efficiency of laboratories. Course topics include: The Architecture of High Performance Labs, The Energy Efficient Design System, Air Supply and Distribution Systems, Case Studies, and Resources and Tools. For more information or to register, link: <http://www.epa.gov/labs21century/training/designcourse>.

CLEANUP SITE CLOSURE: REGULATORY & ADMINISTRATIVE ACTIVITIES**2-3 December 2003 – Richland, Washington****17-18 February 2004 – Idaho Falls, Idaho**

RTI is offering this course for personnel who are involved in the planning and implementation of closure and post-closure activities at hazardous and mixed waste management facilities or environmental restoration projects. The course will provide an overview of RCRA requirements for landfills, storage pads, and contaminated areas. It will also cover effective ways to plan for the integration of closure among units regulated under different programs. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

PARTNERS IN ENVIRONMENTAL TECHNOLOGY SYMPOSIUM**2-4 December 2003 – Washington, DC**

The Strategic Environmental Research and Development Program and the Environmental Security Certification Program are hosting this symposium and workshop with the theme: "Meeting DoD's Environmental Challenges." A major focus will be sustainability of military testing and training ranges. The symposium will offer 12 technical sessions that highlight proven technologies, as well as technologies needed to address emerging environmental challenges. For more information, link: <http://www.serdp.org/news/ESA4c.pdf>.

"AN ORGANIZATIONAL GUIDE TO POLLUTION PREVENTION" WORKSHOP**9-11 December 2003 – Philadelphia, Pennsylvania**

EPA is hosting this workshop to help organizations get P2 programs started or to reevaluate existing P2 programs. The guide presents an alternative method for working P2 projects and plans, and four approaches to implementing P2 and environmental planning within an organization. There is no registration fee for the workshop. For further information, visit the workshop website at www.epa.gov/ttnrmrl/p2workshop.htm.

"DESIGNING YOUR EMS" – FEDERAL FACILITY WORKSHOP**15-17 December 2003 – Lakewood, Colorado**

EPA Region 8 is sponsoring this workshop, which is intended to prepare federal facilities managers and staff for meeting the December 2005 deadline for implementation of federal environmental management systems (EMS). The workshop will provide an overview of how to plan and implement an EMS at federal facilities and provide examples of approaches taken by federal facilities in Region 8. For more information or to register, contact Barbara McAlpine-Johnson, EPA at (303) 312-6700, or e-mail: mc Alpine-Johnson.Barbara@epa.gov.

APPLIED CLEAN AIR ACT**16-18 December 2003 – Orlando, Florida**

RTI is offering this course for environmental professionals who are responsible for implementation and monitoring of their facilities' compliance with the requirements of the Clean Air Act (CAA). The course provides detailed information on all facets of the CAA and the 1990 Amendments. It covers the fundamentals of air pollution such as abatement equipment, monitoring, and air dispersion models. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

ENVIRONMENTAL LAWS AND REGULATIONS**16-18 December 2003 – Richland, Washington**

RTI is offering this course for personnel new to the field of waste management environmental compliance or environmental restoration, as well as persons who need an update on recent changes in environmental laws and regulations. The course will address high level waste storage in tanks and treatment for disposal; low level waste disposal; mixed waste treatment, storage and disposal; environmental compliance associated with operational or restart issues; decommissioning activities; and materials transportation. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

CONFERENCE ON SUSTAINABLE RANGE MANAGEMENT**5-8 January 2004 – New Orleans, Louisiana**

Battelle is organizing this conference to provide a venue for exchange of information benefiting all stakeholders involved with range management issues. The technical programs will include urban growth and encroachment issues, management of airspace, noise abatement issues, air quality management, threatened and endangered species habitat protection, military munitions response program, and cleanup of munitions and explosives of concern. For more information, link: <http://www.battelle.org/rangecon>.

ADVANCED RISK COMMUNICATION WORKSHOP**13-15 January 2004 – San Diego, California****2-5 August 2004 – Salt Lake City, Utah**

The Army Center for Health Promotion and Preventative Medicine is presenting this workshop to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop builds on the "Introductory Health Risk Communication Workshop" listed below (a pre-requisite for this course) and will provide participants with hands-on experience in applying the steps of the risk communication process, on-camera media practice, and seminar-style discussions of "hot" issues impacting military health and readiness. There is no registration fee. For more information or to register, link: <http://chppm-www.apgea.army.mil/risk>.

2004 NORTH AMERICAN ENVIRONMENTAL FIELD CONFERENCE**14-16 January 2004 – Tampa, Florida**

This conference will feature 40 papers discussing cutting-edge field-based technology for environmental site characterization and monitoring. An educational exposition will include state-of-the-science environmental field equipment and services. For more information or to register, link: <http://www.envirofieldconference.com>.

CERCLA ORIENTATION AND REMEDIAL INVESTIGATION/FEASIBILITY STUDY**27-27 January 2004 – Richland, Washington**

The Resource Training Institute (RTI) is offering this course for personnel that have little or no experience in the basic background and implementation of CERCLA. Participants are provided with an in-depth review of the Remedial Investigation/Feasibility Study (RI/FS) process as it applies to environmental restoration programs. Following an overview of the CERCLA Process, the course focuses on the RI/FS process and addresses site characterization, risk assessment, and remedy selection issues. Attention is also given to public involvement in the cleanup process. For more information or to register, call (803) 652-8830, or link <http://www.rtii.org>.

ENVIRONMENTAL IMPACTS OF PRESERVATIVE TREATED WOOD**8-11 February 2004 – Orlando, Florida**

The University of Florida and the National Science Foundation are sponsoring this conference to bring together experts in the field of preservative treated wood who will share research results and develop a research agenda for future studies. Conference topics include critical issues associated with preservative treated wood, and new technologies for managing discarded treated wood. For more information or to register, call (352) 392-1701, or link: <http://fices.org>.

INTRODUCTORY HEALTH RISK COMMUNICATION WORKSHOPS**24-26 February 2004 – Seattle, Washington****27- 9 April 2004 – Honolulu, Hawaii**

The Army Center for Health Promotion and Preventative Medicine is presenting these workshops to instruct participants how to identify, build, maintain, and utilize strategic partnerships and plans to support an organization's mission. The workshop will provide a basic understanding of the concepts, principles, and process of effective risk communication. Topics include: History and Philosophy of Risk Communication, Steps of the Risk Communication Process, Importance of Identifying, Understanding, and Collaborating with Key Stakeholders, Pitfalls to Effective Risk Communication, and Basic Tools for Engaging the Media. For more information or to register link: <http://chppm-www.apgea.army.mil/risk>.

HISTORIC PRESERVATION LAW AND SECTION 106 COMPLIANCE**24-26 February 2004 – Jacksonville, Florida****20-22 April 2004 – San Antonio, Texas****20-22 July 2004 – Annapolis, Maryland**

This course emphasizes legal compliance with the National Historic Preservation Act Section 106 process using actual case studies. It addresses legislation and the process to meet the requirements of the law. Course content includes: the stewardship role; use of historic properties; and communications with related oversight agencies. For more information or to register, link: <https://www.cecos.navy.mil>.

NATURAL RESOURCES COMPLIANCE**24-27 February 2004 – San Antonio, Texas****22-25 June 2004 – Aberdeen, Maryland**

This course offers instruction in specific natural resources laws, regulations, policies, Executive Orders, DoD instructions, and other guidance, noting Service-specific requirements. It addresses stewardship, preservation and process; fish, game and wildlife management laws; protection of wetlands, waterways and other protected ecological areas; forest and land use management laws; and inter-service cooperation. This is an Inter-service Environmental Education Review Board (ISEERB approved) course. For more information or to register, link: <https://www.cecos.navy.mil>.

2ND ANNUAL ARMY ENVIRONMENTAL TRAINING SYMPOSIUM**1- 5 March 2004 – Kansas City, Missouri**

The Army Engineer School is hosting this symposium to provide environmental training to installation (Active Army, National Guard, and Army Reserve) environmental personnel and installation stakeholders. Training topics include 1) satellite accumulation point operator; 2) hazardous materials handler; 3) HAZWOPER 8-hour refresher; 4) pollution prevention; and 5) spill prevention and response. For more information, call (573) 563-4124.

INTRODUCTION TO CULTURAL RESOURCE MANAGEMENT LAWS AND REGULATIONS**16-18 March 2004 – New Orleans, Louisiana****17-19 August 2004 – Bangor, Maine**

This course provides an integrated overview of all pertinent laws and regulations needed to understand and fulfill cultural resource management responsibilities. The curriculum is designed around a series of inter-related case studies discussed during the course. The course is taught in conjunction with the Advisory Council on Historic Preservation and is approved by the Inter-service Environmental Education Review Board (ISEERB). For more information or to register, link: <https://www.cecos.navy.mil>.

30TH ENVIRONMENTAL AND ENERGY SYMPOSIUM**5-8 April 2004 – San Diego, California**

The National Defense Industrial Association is presenting this symposium to provide a national forum for the exchange of technical information, government policy, regulations, programs, and law; and new ideas on environmental and energy issues, performance tracking, and areas of concern. The theme of the symposium is: "DoD Transformation Leading Towards Results-Based Environmental and Energy Programs." This event is intended for industry leaders, practitioners, environmental and energy officials, operators, and other personnel within government agencies. For more information, contact Naomi Mundy at (703) 247-9476, Or link: <http://www.ndia.org>.

NATIONAL ENVIRONMENTAL ASSISTANCE SUMMIT**19-22 April 2004 – Baltimore, Maryland**

EPA has announced the merger of the National Pollution Prevention Roundtable Spring Conference and the National Compliance Assistance Providers Forum. This summit, titled "One Environment/One Conference," will cover advances and innovations in environmental issues and solutions, pollution prevention, and compliance assistance programs, methods, technologies and environmental policies. For more information, call (202) 299-9701, or link: <http://www.p2.org/summit2004/>.

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STATE REGULATORY DEVELOPMENTS, LEGISLATION, AND NEWS



COLORADO

AIR INFORMATION:

PROPOSED REGULATION – REVISIONS TO OPEN BURNING, PRESCRIBED FIRE, AND PERMITTING FEES – CDPHE has proposed revisions to Regulation Number 9 - Open Burning, Prescribed Fire & Permitting. The revisions to the fee section of the rule would change the calculation method for fees. The revisions would also eliminate the provisions that automatically cause a permit to expire based on the amount of fuel consumed under the permit, and would add provisions for the use of air curtain destructors exclusively for the burning of wood. CDPHE is also considering revisions to the Common Provisions Regulation and Regulation No. 3, Part A, that would implement the above proposed revisions. CDPHE will hold a public hearing 18 December 2003. Comments are due by 4 December 2003. For more information, contact Sarah Gallop at (303) 692-3263.

PROPOSED REGULATION – VEHICLE EMISSIONS TESTING PROGRAM – CDPHE has proposed to revise the applicability date of scheduled changes to the vehicle emission limitations for 1996 and newer model year vehicles. CDPHE proposed waiting until an analysis is conducted under the MOBILE6 model to make further emission "cut point" modifications. CDPHE will hold a public hearing 18 December 2003. Comments are due by 4 December 2003. For more information, contact Kim Livo at (303) 692-3134.

PROPOSED REGULATION – REVISED MACT STANDARDS – CDPHE has proposed revisions to Regulation 8, MACT Standards, to incorporate by reference revisions to the federal program that have been adopted in the past six months. CDPHE will hold a public hearing 18 December 2003. Comments are due by 2 December 2003. For more information, contact Melanie Loyzim at (303) 692-3147, or link: <http://www.cdphe.state.co.us/op/aqcc/aqccdown/reg8mactpublichearing.pdf>.

PROPOSED REGULATION – GENERIC EMISSIONS TRADING AND FEE CREDITS – CDPHE has proposed to repeal the Permit Fee Credit Program, Part B of Regulation 5, in its entirety. CDPHE will also consider the removal of Part A of the Permit Fee Credit Program in Regulation 5 from the State Implementation Plan. CDPHE will hold a public hearing 18 December 2003. Comments are due by 4 December 2003. For more information, contact Kristen King at (303) 692-3212.

PROPOSED REGULATION – REVISIONS TO COLORADO SPRINGS AND LONGMONT CARBON MONOXIDE MAINTENANCE PLANS – CDPHE has proposed revisions to the Colorado Springs and Longmont carbon monoxide maintenance plans. The revisions include the adoption of revised carbon monoxide emission budgets developed with EPA's MOBILE6 model. These emission budgets would replace previously adopted emission budgets that were developed with the MOBILE5b model. CDPHE is also considering repealing the Colorado Springs vehicle emissions inspection program. Comments are due by 4 December 2003. For more information, contact Douglas Lempke at (303) 692-3478.

PROPOSED REGULATION – REVISIONS TO ASBESTOS REGULATION – CDPHE has proposed revisions to Regulation No. 8, Part B, Asbestos. The revisions include a single-family residential dwelling opt-out notice. CDPHE will hold a public hearing 18 December 2003. Comments are due by 4 December 2003. For more information, contact Douglas Lempke at (303) 692-3478, or link: <http://www.cdphe.state.co.us/op/aqcc/aqccdown/reg8revs.pdf>.

ASBESTOS AIR MONITORING SPECIALIST WORKSHOP – 17 November 2003 – The Asbestos Unit of the Colorado Air Pollution Control Division will conduct an Air Monitoring Specialist Workshop from 1:00 p.m. to 5:00 p.m. The training will be held in the Sabin/Cleere Conference Room in CDPHE's Building "A" at 4300 Cherry Creek Drive South in Denver. The workshop will cover the following topics: 1) The Visual Inspection Process; 2) Final Air Sampling Protocols; 3) Spill Investigation Techniques; 4) AMS Certification Requirements; 5) The AMS Test; and 6) Common Pitfalls. For more information or to register, contact Bob Johannes at (303) 692-3169.

WATER INFORMATION:

FINAL REGULATION – CLASSIFICATION AND NUMERIC STANDARDS FOR UPPER AND LOWER COLORADO RIVER BASINS – CDPHE has adopted revised water quality classifications, standards, and designations for multiple segments in the Upper Colorado River Basin and North Platte River, Regulation #33 and the Lower Colorado River Basin, Regulation #37. CDPHE's proposal for Regulation #33 can be found at <http://www.cdphe.state.co.us/op/wqcc/wqrmnot.html>. CDPHE's proposal for Regulation #37, can be found at <http://www.cdphe.state.co.us/op/wqcc/wqrmnot.html>. The revisions will be effective 20 January 2004. For more information, contact Diana Glaser at (303) 692-3469.

FINAL REGULATION – REVISION OF DILLON RESERVOIR CONTROL REGULATION – CDPHE has adopted revisions in the Dillon Reservoir Control Regulation, Regulation #71 (5 CCR 1002-71 to address issues raised in a March 2003 Triennial Review Informational hearing. The revisions will be effective 30 November 2003. For more information, contact Diana Glaser at (303) 692-3469, or link: <http://www.cdphe.state.co.us/op/regs/waterregs/100271new.pdf>.

FINAL REGULATION – REVISIONS TO PRETREATMENT REGULATIONS – CDPHE has amended its Pretreatment Regulations, Regulation 63. The purpose of these regulations is to: (1) prevent the introduction of pollutants into Public Owned Treatment Works (POTW) which interfere with the operation of a POTW; (2) prevent the introduction of pollutants into POTWs which will pass through the treatment works without receiving effective treatment; and (3) improve opportunities to recycle and reclaim municipal and industrial wastewaters and sludges. The amendments will be effective 30 November 2003. For more information, contact Diana Glaser at (303) 692-3469, or link: <http://www.cdphe.state.co.us/op/wqcc/0903reg63exh1.pdf>.

PROPOSED REGULATION – ADOPTION OF GROUNDWATER QUALITY CLASSIFICATIONS AND STANDARDS – CDPHE has proposed new site-specific ground water classifications and standards. CDPHE also proposed that the table and map in section 42.3, "Index of Classified Areas," be updated to reflect the proposed classifications and standards. For more information, contact Sarah Johnson at (303) 692-3609.

DEPARTMENTAL DISCUSSION – 2004 303 (d) LIST OF IMPAIRED WATERS AND LISTING CRITERIA – CDPHE has approved listing methodology for the 2004 303(d) list of impaired waters. CDPHE plans to propose the list for public comment in December 2003 and hopes to approve the list in March 2004, since it must be submitted to EPA by 1 April 2004. Tim Blume, Army REC Region 8, is participating on the stakeholder workgroup to develop the proposed list. For more information, contact Tim at (303) 844-0958, or Phil Hegeman, CDPHE at (303) 692-3500.

Legislative Developments

The 2003 legislative session began 8 January and ended 7 May. A summary of the significant environmental legislation that was enacted and signed was included in the July Review. For more information on the legislative session, link http://www.state.co.us/gov_dir/stateleg.htm.

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MONTANA

AIR INFORMATION:

DIRECT FINAL RULE – APPROVAL OF SIP REVISIONS AND NSPS DELEGATION – On 5 November 2003 (68 FR 62529), EPA took direct final action approving State Implementation Plan (SIP) revisions that update the Administrative Rules of Montana, including the Incorporation by Reference rules, and delete the definition for volatile organic compounds. The intended effect of this action is to make these revisions federally enforceable. EPA also announced an update to the delegation of authority for the implementation and enforcement of the New Source Performance Standards (NSPS) to the State. This rule will be effective 5 January 2004 without further notice, unless EPA receives adverse comment by 5 December 2003. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the Federal Register informing the public that the rule will not take effect. For further information, contact Laurel Dygowski, EPA at (303) 312-6144, or e-mail: dygowski.laurel@epa.gov.

FINAL REGULATION – REVISED AIR PERMIT FEES – The Montana Department of Environmental Quality (DEQ) has revised its annual air quality permit fees and related definitions. The revisions: (1) replace "source(s) of air contaminants" with "facilities"; (2) clarify that owners and operators of facilities and not the facilities themselves pay the permit fees; (3) clarify that fees must be submitted concurrently with permit applications; (4) set the major open burner fees to \$16.60 per ton of particulate matter, \$4.15 per ton of NO_x, and \$4.15 per ton of VOCs; (5) require a \$25 application fee for firefighting training permits; and (6) set the Title V operating permit fee at \$20.61 per ton. The revisions were effective 17 October 2003. For more information, contact David Rusoff at (406) 444-2626, or link: <http://www.deq.state.mt.us/dir/legal/Notices/17-193.pro.pdf>.

FINAL REGULATION – REVISED AIR PERMIT PROCEDURES – The Montana DEQ has adopted amendments to its air quality permit program to implement HB 427 and HB 700 enacted by the 2003 Montana Legislature. The amendments will: (1) require DEQ to notify an applicant for certain air quality permits of approval or denial of the application within 75 days after receipt of a complete application; (2) provide a 30-day period in which the public may submit comments on certain draft air permits; and (3) remove a requirement that notice of denial, revocation, or amendment of a permit must be served by a sheriff. The revisions were effective 17 October 2003. For more information, contact David Rusoff at (406) 444-2626, or link: <http://www.deq.state.mt.us/dir/legal/Notices/17-194.pro.pdf>.

WASTE INFORMATION:

PROPOSED REGULATION – INACTIVE UNDERGROUND STORAGE TANKS – The Montana DEQ has proposed a regulation that will turn change abandoned or inactive underground storage tanks (UST) from inactive to active status. The regulation provides guidance for dispensing, depositing, and storing materials in these tanks to bring them back into compliance. For more information, contact Kirsten Bowers at (406) 444-1448.

PROPOSED REGULATION – INCREASED REGISTRATION FEES FOR UST – The Montana DEQ has proposed to increase annual UST registration fees. The fees for tanks with a capacity of more than 1,100 gallons would increase from \$70.00 to \$108.00 and the fees for tanks with a capacity of 1,100 gallons or less would increase from \$20.00 to \$36.00. For more information, contact Kirsten Bowers at (406) 444-1448.

PROPOSED REGULATION – NOTIFICATION FOR SALE OF PROPERTY WITH UST – The Montana DEQ has proposed to require sellers/purchasers of land with UST to notify DEQ of the property's transfer within 30 days. For more information, contact Kirsten Bowers at (406) 444-1448.

PROPOSED REGULATION – UST AMENDMENTS – The Montana DEQ has proposed amendments to its UST regulations. The amendments include changes to: (1) UST definitions; (2) administrative penalties; (3) requirements for operation permits; (4) requirements for compliance inspections; (5) requirements for inactive UST systems; and (6) tank fees. DEQ proposed specific administrative penalties for: (1) "operation of an UST without a valid operating tag"; (2) "failure to correct violations noted in a compliance inspection report within the time allowed"; (3) failure to obtain a follow-up inspection after correcting violations noted in a compliance inspection report"; and (4) "failure to empty an UST that is not in compliance with rules related to release prevention and detection and corrosion protection." DEQ also proposed to only require "active" UST to be inspected. For more information, contact Kirsten Bowers at (406) 444-1448.

WATER INFORMATION:

FINAL REGULATION – ENFORCEMENT PROCEDURES FOR PUBLIC WATER SUPPLIERS – The Montana DEQ has adopted amendments to its enforcement procedures for public water suppliers. The amendments: (1) update definitions; (2) clarify procedures for notice letters; and (3) clarify the issuance of administrative penalty and compliance orders. The amendments were effective 16 October 2003. For more information, contact John Arrigo at (406) 444-5327, or link: <http://www.deq.state.mt.us/dir/legal/Notices/17-191.pro.pdf>.

FINAL REGULATION – ONSITE WASTEWATER TREATMENT SYSTEMS – The Montana DEQ has adopted amendments to its onsite wastewater treatment system regulations for subdivisions. The amendments revise nonsignificant categories to be applicable to more systems. The amendments were effective 16 October 2003. For more information, contact Janet Scaarland at (406) 444-1801, or link: <http://www.deq.state.mt.us/dir/legal/Notices/17-192.pro.pdf>.

Legislative Developments

The 2003 legislative session began 6 January and ended 26 April. A summary of significant environmental bills that were enacted and signed was included in the June Review. For more information on the legislative session, link <http://www.leg.state.mt.us>.



NORTH DAKOTA

WASTE INFORMATION:

FINAL REGULATION – ADOPTION OF FEDERAL HAZARDOUS WASTE RULES – The North Dakota Department of Health has adopted by reference federal RCRA amendments promulgated since 1997. The amendments include: (1) military munitions; (2) used oil management standards for PCB-contaminated oil; (3) regulatory definition of solid waste fuels produced from hazardous waste; (4) listing of four petroleum refining wastes as hazardous waste; (5) streamlined permitting of TSD facilities for remediation wastes; (6) listing of hazardous waste lamps as universal wastes; (7) conditional exemption for low level mixed wastes (hazardous waste and radioactive material); (8) corrective action management unit rule; and (9) conditions for excluding hazardous secondary materials used to make zinc fertilizers from the regulatory definition of solid waste. The Department's amendments are more stringent than the federal rules in two cases: (1) universal waste transporters must retain shipping records for lamps; and (2) record retention is extended (beyond three years) if there is an enforcement action. The amendments will be effective 1 December 2003. For more information, contact Curt Erickson at (701) 328-5166, or link: <http://www.health.state.nd.us/ndhd/envIRON/wm/PC.htm>.

Legislative Developments

The 2003 legislative session began 7 January and ended 25 April. A summary of significant environmental bills that were enacted and signed was included in the June Review. For more information on the legislative session, link <http://www.state.nd.us/lr/>.



SOUTH DAKOTA

WASTE INFORMATION:

PROPOSED RULE – AUTHORIZATION OF HAZARDOUS WASTE PROGRAM REVISION – On 3 November 2003 (68 FR 62264), EPA proposed to approve South Dakota's changes to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). EPA determined that these changes satisfy all requirements needed to qualify for final authorization. Written comments must be received by 3 December 2003. For further information, contact Kris Shurr, EPA at (303) 312-6139 or e-mail: shurr.kris@epa.gov.

Legislative Developments

The 2003 legislative session began 14 January and ended 24 March. A summary of significant environmental bills that were enacted and signed was included in the May Review. For more information on the legislative session, link <http://legis.state.sd.us/index.cfm>.



UTAH

AIR INFORMATION:

FINAL REGULATION – ADOPTION OF FEDERAL MACT STANDARDS – The Utah Department of Environmental Quality has adopted amendments to R307-214-2, National Emissions Standards for Hazardous Air Pollutants. These amendments incorporate by reference new federal MACT standards that may apply to Utah sources of hazardous air pollutants. The effect of this rule change allows enforcement of these standards by the State. The amendments were effective 1 October 2003. For more information, contact Rick Sprott at (801) 536-0072.

WASTE INFORMATION:

FINAL REGULATION – ADOPTION OF FEDERAL HAZARDOUS WASTE REGULATIONS – The Utah DEQ has adopted a series of federal hazardous waste regulations published after 6 August 2000. The regulations include: 1) Hazardous Waste Definitions and References; 2) Identification and Listing of Hazardous Waste; 3) Application and Permit Procedures for Hazardous Waste Treatment, Storage, and Disposal Facilities; 4) Incinerators; 5) Land Disposal Restrictions; 6) Hazardous Waste Burned in Boilers and Industrial Furnaces; and 7) Appendices. The regulations were effective 15 September 2003. For more information, contact Susan Toronto at (801) 538-6776.

WATER INFORMATION:

FINAL RULE – FACILITY DESIGN AND OPERATION – The Utah DEQ has adopted amendments that prohibit the use of lead weights to keep pump suctions at the bottom of storage tanks containing fluoride chemical solutions, and add a test that requires steel tanks to be constructed from new plates and designed in accordance with AWWA Standard D-100. The amendments were effective 1 November 2003. For more information, contact Bill Birkes at (801) 536-4201.

Legislative Developments

The 2003 legislative session began 20 January and ended 5 March. A summary of significant environmental bills that were enacted and signed was included in the May Review. For more information on the legislative session, link <http://www.le.state.ut.us/>.



WYOMING

Regulatory Developments & Other State Information

PROPOSED REGULATION – MILITARY MUNITIONS RULE – On 8 September 2003, the Wyoming Water/Waste Advisory Board recommended adoption of the Military Munitions Rule. There are still several additional steps required before the State will adopt the rule. For more information, contact the WREO Regional Counsel at (303) 844-0955.

AIR INFORMATION:

DIRECT FINAL RULE – APPROVAL OF NSPS DELEGATION – On 5 November 2003 (68 FR 62529), EPA took direct final action delegating the authority for the implementation and enforcement of the New Source Performance Standards (NSPS) to the State. In addition, EPA updated the "Delegation Status of New Source Performance Standards for Region VIII" table to add entries for newly delegated NSPS subparts for Wyoming. These actions are being taken under sections 110 and 111 of the Clean Air Act. This rule will be effective 5 January 2004 without further notice, unless EPA receives adverse comment by 5 December 2003. If adverse comment is received, EPA will publish a timely withdrawal of the direct final rule in the Federal Register informing the public that the rule will not take effect. For further information, contact Laurel Dygowski, EPA at (303) 312-6144, or e-mail: dygowski.laurel@epa.gov.

PROPOSED REGULATION – DRAFT VISIBILITY STRATEGY (SO₂ MARKET TRADING PROGRAM) – The Wyoming Department of Environmental Quality (DEQ) has been working with the Western Regional Air Partnership (WRAP) to develop a visibility State Implementation Plan (SIP). The purpose of a visibility SIP is to protect certain viewsheds such as national parks and wilderness areas. While it has participated in WRAP's development of a visibility SIP, DEQ decided not to adopt the WRAP approach and develop its own SIP. DEQ has prepared a draft "Long Term Strategy for Visibility Protection in Class I Areas" which will help guide further work on the State's visibility SIP. Comments on the strategy are due by 17 November 2003. DEQ will hold a hearing on 1 December 2003. For more information, contact Lee Grobowicz at (307) 332-6755, or link: <http://deq.state.wy.us/aqd/downloads/RegionalHaze/Chapter14draft9-11-03.pdf>.

DRAFT PLAN – REGIONAL HAZE SIP – The Wyoming DEQ is preparing to propose its Regional Haze SIP. A draft of the proposal was published on the DEQ website 15 October 2003. Comments are due by 18 November 2003. For more information, contact Christine Anderson at (303) 777-7391, or link: http://deq.state.wy.us/aqd/downloads/RegionalHaze/WY_RegionalHazeSIP10_15_2003.pdf.

Legislative Developments

The 2003 legislative session began 14 January and ended 6 March. A summary of significant environmental bills that were enacted and signed was included in the May Review. For more information on the legislative session, link <http://legisweb.state.wy.us>.

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